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In re Application of	:	
YU, Zengpin, et al.	:	
Application No.: 10/560,200	:	DECISION
PCT No.: PCT/US2004/019488	:	
Int. Filing Date: 18 June 2004	:	ON PETITION UNDER
Priority Date: 20 June 2003	:	
Docket No.: 2692/72616-PCT-US	:	37 CFR 1.181
For: FULL-FIELD BREAST ULTRASOUND	:	
SYSTEM AND ARCHITECTURE	:	

This is a decision in response to applicant's petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office on 10 February 2010

BACKGROUND

On 24 March 2006, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that additional claim fees, an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the search fee, examination fee or oath or declaration were required. The Notification was mailed to the address of record.

On 26 November 2007, the Office mailed Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application went abandoned for failure to timely reply to the Notification of Missing Requirements mailed 24 March 2006.

On 16 December 2009, applicants changed the address of record in this application.

On 10 February 2010, applicants filed this petition under 37 CFR 1.181.

DISCUSSION

The showing required to establish nonreceipt of an Office communication is set forth in MPEP 711.03(c). The showing must include: (1) a statement by the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO, (2) a statement from practitioner that the Office action was not received by the practitioner at the correspondence address of record; (3) a statement attesting that a search of practitioner's records including the file jacket or the equivalent and application contents, indicates that the Office action was not received; and (4) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

Items (1) and (3) have been satisfied.

Item (2) has not been satisfied. Applicant states that the documents bear the correct address for the firm at the time they were mailed. For clarification, when did the address of the firm change?

Item (4) has not been satisfied. The preferred evidence of nonreceipt of the Notification of Missing Requirements is the master docket report for the firm on the date on which a response to the Notification of Missing Requirements would have been docketed had it been received and docketed for response. In this case, the Office wants the master docket report for the firm for 24 May 2006. If this is not available, applicant must so state and provide the alternative information. The docket record for a single client or application is not sufficient.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

The application remains **ABANDONED**.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Erin P. Thomson/

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